

الْبَابُ السَّادِسُ عَشَرَ

رَحْمَتُهُ وَمُلَاقَتُهُ بِأَهْلِ الدِّمَّةِ وَالْمُعَااهِدِينَ

CHAPTER SIXTEEN

THE HOLY PROPHET'S MERCY AND
KINDNESS TOWARD THE NON-MUSLIM
CITIZENS AND THOSE UNDER AN
AGREEMENT OF PROTECTION

١٤/١. عَنْ عَبْدِ اللَّهِ بْنِ عَمْرُو عَنِ النَّبِيِّ قَالَ: مَنْ قَتَلَ مُعَاهَدًا لَمْ يَرْحُ رَائِحَةَ الْجَنَّةِ، وَإِنَّ رِيحَهَا تُوْجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا.
 رَوَاهُ الْبُخَارِيُّ وَابْنُ مَاجَهَ وَالْبَزَّارُ.

٢١٤/١. According to 'Abd Allāh b. 'Amr رض, the Prophet ص said,
 "Anyone who kills a non-Muslim under treaty [mu'āhad] will not smell the fragrance of Paradise, even though its fragrance can be smelled at a distance of forty years."

Reported by al-Bukhārī, Ibn Mājah and al-Bazzār.

٢١٥/٢. عَنْ أَبِي ذَرٍ قَالَ: قَالَ رَسُولُ اللَّهِ: إِنَّكُمْ سَتَقْتَحُونَ مِصْرَ، وَهِيَ أَرْضٌ يُسَمَّى فِيهَا الْقِيرَاطُ. فَإِذَا فَتَحْتُمُوهَا فَأَحْسِنُوا إِلَى أَهْلِهَا، فَإِنَّهُمْ ذَمَّةٌ وَرَحْمًا، أَوْ قَالَ: ذَمَّةٌ وَصِهْرًا. فَإِذَا رَأَيْتُ رَجُلَيْنِ يَخْتَصِمَانِ فِيهَا فِي مَوْضِعٍ لَبِنَةٍ، فَأَخْرُجْ مِنْهَا. قَالَ: فَرَأَيْتُ عَبْدَ الرَّحْمَنِ بْنَ شَرَحِيلَ بْنَ حَسَنَةَ وَأَخَاهُ رَبِيعَةَ يَخْتَصِمَانِ فِي مَوْضِعٍ لَبِنَةٍ فَخَرَجْتُ مِنْهَا.

رَوَاهُ مُسْلِمٌ وَأَحْمَدُ وَابْنُ حِيَانَ.

٢١٥/٢. According to Abū Dharr رض, Allah's Messenger ص said,
 "Indeed, you shall soon conquer Egypt; it is a land whose currency

^{٢١٤} Set forth by •al-Bukhārī in *al-Šaḥīḥ*: Bk.: *al-Jizya* [The Taxation for Non-Muslims Living in an Islamic State], chapter, "The Sin of Someone Who Kills a Non-Muslim Citizen Without His Having Committed a Crime," 3:1155 §2995; •Ibn Mājah in *al-Sunan*: Bk.: *al-Diyāt* [The Blood Money], chapter, "Someone Concerning the One Who Kills a Non-Muslim Citizen," 2:896 §2686; •al-Bazzār in *al-Musnad*, 6:368 §2383.

^{٢١٥} Set forth by •Muslim in *al-Šaḥīḥ*: Bk.: *Fadā'il al-sahāba* [The Virtues of

is named *qīrāt*. When you conquer it, you must treat its inhabitants well, for they have a right on you and ties of kinship,' or he said, 'they have a right and ties through marriage.' He continued, 'So if you see two men disputing there about the place of a brick, depart from it.' I saw 'Abd al-Rahmān Shurahbil b. Ḥasana and his brother, Rabī'a, disputing over the place of a brick, so I left."

Reported by Muslim, Ahmad and Ibn Hibbān.

٣/٢١٦ . عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ قَالَ: أَلَا مَنْ قَتَلَ نَفْسًا مُعَاهِدًا لَهُ ذَمَّةً اللَّهُ وَذَمَّةُ رَسُولِهِ، فَقَدْ أَخْفَرَ بِذَمَّةِ اللَّهِ، فَلَا يُرْحَ رَائِحَةَ الْجَنَّةِ، وَإِنْ رِيحَهَا لَيُوْجَدُ مِنْ مَسِيرَةِ سَبْعِينَ كَمِيْلَيْفَا.

رَوَاهُ التَّرْمِذِيُّ وَابْنُ مَاجَه وَأَبُو يَعْلَمْ وَالْحَاكِمُ. وَقَالَ التَّرْمِذِيُّ: حَدِيثُ أَبِي هُرَيْرَةَ حَدِيثٌ حَسَنٌ صَحِيْحٌ.

216/3. According to Abū Hurayra ﷺ, the Prophet ﷺ said,

"Beware, whoever kills a non-Muslim under treaty and with the guarantee of Allah and the guarantee of His Messenger, he has violated Allah's guarantee and shall not smell the fragrance of Paradise, and indeed its fragrance can be smelled at a distance of seventy years."

Reported by al-Tirmidhī, Ibn Mājah, Abū Ya'la and al-Hākim.

According to al-Tirmidhī, "Abū Hurayra's tradition is fine, authentic."

the Companions], Ch.: "The Orders of the Prophet ﷺ Regarding the People of Egypt," 4:1970 §2543; •Ahmad b. Hanbal in *al-Musnad*, 5:173 §21560; •Ibn Hibbān in *al-Ṣaḥīḥ*, 15:68 §6676; •al-Ṭabarānī in *al-Mu‘jam al-Awsat*, 8:303 §8701.

²¹⁶ Set forth by •al-Tirmidhī in *al-Sunan*: Bk.: *al-Diyāt* [The Blood Money], Ch.: "What Has Been Narrated Concerning He Who Kills Somebody Who Is Under Protection," 4:20 §1403; •Ibn Mājah in *al-Sunan*: Bk.: *al-Diyāt* [The Blood Money], Ch.: "Killing Someone Under Protection," 2:896 §2687; •Abū Ya'la in *al-Musnad*, 11:335 §6452; •al-Hākim in *al-Mustadrak*, 2:138 §2581; •al-Bayhaqī in *al-Sunan al-Kubrā*, 9:205 §18511.

٤. عَنْ عِدَّةٍ (وَعِنْدَ الْبَيْهِقِيِّ: عَنْ ثَلَاثَيْنَ) مِنْ أَبْنَاءِ أَصْحَابِ رَسُولِ اللَّهِ ﷺ، عَنْ آبَائِهِمْ دِنْيَةً، عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: أَلَا مَنْ ظَلَمَ مُعَاهِدًا، أَوْ كَفَّفَهُ فَوْقَ طَافِيَّةِ، أَوْ أَخْذَ مِنْهُ شَيْئًا بِغَيْرِ طِيبِ نَفْسٍ، فَأَنَّا حَجِّيْجُهُ يَوْمَ الْقِيَامَةِ.

رَوَاهُ أَبُو دَاؤُدَّ. وَقَالَ الْعَجْلُونِيُّ: إِسْنَادُ حَسَنٍ.

٢١٧/٤. According to numerous children of the Companions of Allah's Messenger ﷺ, [according to al-Bayhaqī, thirty], all reported on the authority of their fathers that Allah's Messenger ﷺ said,

"Beware! Anyone who wrongs a non-Muslim citizen under treaty, or diminishes any of his rights, or burdens him more than he can bear, or takes anything from him that he is not willing to give, I shall plead on his [latter's] behalf on the Day of Resurrection."

Reported by Abū Dāwūd. According to al-'Ajlūnī, "Its chain of transmission is fine."

٥. عَنْ أَبِي بَكْرَةَ ﷺ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ قَتَلَ مُعَاهِدًا فِي عَيْرِ كُنْهِهِ، حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ.

رَوَاهُ أَحْمَدُ أَبُو دَاؤُدَّ وَالنَّسَائِيُّ وَالدَّارِمِيُّ. وَقَالَ الْحَاكِمُ: هَذَا حَدِيثٌ صَحِحُ الْإِسْنَادِ.

٢١٨/٥. According to Abū Bakra ﷺ, Allah's Messenger ﷺ said,

"Whoever kills unjustly a non-Muslim under treaty, Allah shall forbid him Paradise."

^{٢١٧} Set forth by •Abū Dāwūd in *al-Sunan*: Bk.: *al-Kharāj, al-fai' wa al-imāra* [The Land Tax, War Booty That Is Taken Without Fighting, and Appointing Leaders], Ch.: "Taking One Tenth from Non-Muslim Citizens When They Do Business," 3:170 §3052; •al-Bayhaqī in *al-Sunan al-Kubrā*, 9:205 §18511; and cited by •al-Mundhirī in *al-Targhib wa al-tarhib*, 4:7 §4558 and al-'Ajlūnī in *Kashf al-khafā'*, 2:342.

^{٢١٨} Set forth by •Abū Dāwūd in *al-Sunan*: Bk.: *al-Jihād* [The Striving], Ch.:

Reported by Aḥmad, Abū Dāwūd, al-Nasā'ī and al-Dārimī. According to al-Ḥākim, "This hadith has an authentic chain of transmission."

٦/٢١٩ . عَنْ عَبْدِ اللَّهِ بْنِ عَمْرِو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: مَنْ قَتَلَ قَتِيلًا مِنْ أَهْلِ الدُّرْدَةِ، لَمْ يَجِدْ رِيحَ الْجَنَّةِ، وَإِنَّ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ أَرْبَعِينَ عَامًا .
رَوَاهُ أَحْمَدُ وَالنَّسَائِيُّ وَالْبَزَّارُ. وَقَالَ الْحَاكِمُ: هَذَا حَدِيثٌ صَحِيحٌ .

219/6. According to ‘Abd Allāh b. ‘Amr ﷺ, Allah’s Messenger ﷺ said, “Anyone who kills a non-Muslim citizen [from *ahl al-dhimma*] will not smell the fragrance of Paradise, even though its fragrance can be smelled at a distance of forty years.”

Reported by Aḥmad, al-Nasā'ī and al-Bazzār. According to al-Ḥākim, “This is an authentic tradition.”

٧/٢٢٠ . عَنْ الْفَاسِمِ بْنِ مُخْيَرَةَ قَالَ: عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: مَنْ قَتَلَ رَجُلًا مِنْ أَهْلِ الدُّرْدَةِ، لَمْ يَجِدْ رِيحَ الْجَنَّةِ، وَإِنَّ رِيحَهَا لَيُوجَدُ مِنْ مَسِيرَةِ سَبْعِينَ عَامًا .

"Fulling the Rights of The One Under Guarantee of the Protection and His Inviolability," 3:83 §276; •al-Dārimī in *al-Sunan*, 2:308 §2504; •al-Nasā'ī in *al-Sunan*: Bk.: *al-Qasāma* [The Partitioning], Ch.: "The Gravity of Killing Someone Who is Under Protection," 8:24 §4747, and also in *al-Sunan al-Kubrā*, 4:221 §6949; •al-Bazzār in *al-Musnad*, 9:129 §3679; •al-Ḥākim in *al-Mustadrak*, 2:154 §2631; •al-Tabarānī in *al-Mu'jam al-Awsat*, 8:76 §8011; •Ibn al-Jārūd in *al-Muntaqā*, 1:213 §835; •al-Ṭayālīsī in *al-Musnad*, 1:118 §879; •al-Bayhaqī in *al-Sunan al-Kubrā*, 9:321 §18629.

²¹⁹ Set forth by •Aḥmad b. Ḥanbal in *al-Musnad*, 2:186 §6745; •al-Nasā'ī in *al-Sunan*: Bk.: *al-Qasāma* [The Partitioning], Ch.: "The Gravity of Killing Someone Who Is Under Protection," 8:24 §4750, and also in *al-Sunan al-Kubrā*, 4:221 §6952; •al-Bazzār in *al-Musnad*, 6:631 §2373; •al-Ḥākim in *al-Mustadrak*, 2:137 §258; •Ibn al-Jārūd in *al-Muntaqā*, 1:212 §834; •al-Bayhaqī in *al-Sunan al-Kubrā*, 8:133 §16260; •al-Mundhirī in *al-Targhib wa al-Tarhib*, 3:204 §3693.

رَوَاهُ أَحْمَدُ وَالنَّسَائِيُّ وَاللَّفْظُ لَهُ.

220/7. According to al-Qāsim b. Mukhaymira ﷺ, a man from the Companions of the Prophet ﷺ, reported,

“Allah’s Messenger ﷺ said, ‘Whoever kills a non-Muslim citizen will not smell the fragrance of Paradise, even though its fragrance can be smelled at a distance of seventy years.’”

Reported by Aḥmad and al-Nasā’ī (and the wording is his).

٨/٢٢١. عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْبَيْلَمَانِيِّ أَنَّ رَجُلًا مِنَ الْمُسْلِمِينَ قَتَلَ رَجُلًا مِنْ أَهْلِ الْكِتَابِ. فَرَفَعَ إِلَى النَّبِيِّ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: أَنَا أَحَقُّ مَنْ وَقَى بِذَمَّتِهِ، ثُمَّ أَمْرَرَ بِهِ فَقُتِلَ.

رَوَاهُ الشَّافِعِيُّ وَالْيَهْرَقِيُّ.

221/8. According to ‘Abd al-Rahmān b. al-Baylamānī, a man from the Muslims killed a man from the People of the Book. The case was presented to the Prophet ﷺ and he said,

“I am most responsible of all for fulfilling the rights of those under my care [i.e., non-Muslim citizens].” Then he ordered [the killing of the Muslim killer by way of retribution] and he was killed.

Reported by al-Shāfi‘ī and al-Bayhaqī.

٩/٢٢٢. عَنْ أَبِي قَتَادَةَ قَالَ: قَدِمَ وَفْدُ النَّجَاشِيِّ عَلَى النَّبِيِّ ﷺ، فَقَامَ يَحْدُثُهُمْ. فَقَالَ

²²⁰ Narrated by •Aḥmad b. Hanbal in *al-Musnad*, 4, 237, 5, 369 §§ 18097, 23177; •al-Nasā’ī in *al-Sunan*: Bk.: *al-Qasāma* [The Partitioning], chapter, “The Gravity of Killing Someone who is under Treaty,” 8:25 §4749, and in *al-Sunan al-Kubrā*, 4:221 §7951; •al-Mundhirī in *al-Targhib wa al-Tarhib*, 3:204 §3695.

²²¹ Set forth by •Abū Nu‘aym in *Musnad Abī Hanīfa*, p.104; •al-Bayhaqī in *al-Sunan al-Kubrā*, 8:30 §15696; and cited by •al-Shāfi‘ī in *al-Musnad*, p. 343, al-Shaybānī in *al-Mabsūt*, 4:488, and *al-Hujja* 4:342–344, and al-Qurashī in *al-Kharāj*, 82 §238.

أَصْحَابُهُ: نَحْنُ نَكْفِيْكَ، يَا رَسُولَ اللَّهِ. قَالَ: إِنَّهُمْ كَانُوا لَا أَصْحَابٍ مُّكْرِمِينَ، فَإِنِّي أُحِبُّ أَنْ أَكَافِئَهُمْ.

رَوَاهُ الْبَيْهَقِيُّ وَالصَّيْدَلَوِيُّ.

222/9. Abū Qatāda said,

“When the delegation of the Negus [the king of Abyssinia] came to the Prophet ﷺ, he stood up to serve them. His Companions said, ‘O Messenger of Allah! We can sufficiently do (the hospitality) for you!’ The Prophet ﷺ replied, ‘They honoured my Companions previously [i.e., when some of the Companions migrated to Abyssinia], so I would like to honour them in kind.’”

Reported by al-Bayhaqī and al-Šaydāwī.

١٠ / ٢٢٣ . عَنْ عُمَرَ بْنِ الْخَطَّابِ قَالَ: أَوْصِيهِ بِذِمَّةِ اللَّهِ وَذِمَّةِ رَسُولِهِ أَنْ يُوفَى لَهُمْ بِعَهْدِهِمْ وَأَنْ يُقَاتَلَ مَنْ وَرَأَيْهِمْ وَلَا يُكَفَّرُوا إِلَّا طَاقَهُمْ.

رَوَاهُ الْبُخَارِيُّ وَابْنُ أَبِي شَيْبَةَ.

223/10. ‘Umar b. al-Khaṭṭāb ﷺ said (when he was martyred),

“I advise him [my successor] to fulfil the contract of the protection of Allah and the protection of Allah’s Messenger ﷺ with the non-Muslims under treaty and to fight for them [if need rises] and not to burden them with more than they can bear.”

Reported by al-Bukhārī and Ibn Abī Shayba.

²²² Set forth by •al-Bayhaqī in *Shu‘ab al-Imān*, 6:517 §9125, and al-Šaydāwī in *Mu‘jam al-Shuyūkh*, 1:97.

²²³ Narrated by al-Bukhārī in *al-Saḥīḥ*: Bk.: *al-Jihād wa al-siyar* [The Striving and Expeditions], chapter, “Non-Muslim Citizens are to be Defended and They can not be Taken Captive,” 3:1111 §2887, and in *Kitāb al-Janā’iz* [The Funerals], chapter, “What is Reported Concerning the Grave of the Prophet ﷺ and the Graves of Abū Bakr and ‘Umar,” 1:469 1328; •Ibn Abī Shayba in *al-Muṣannaf*, 8:436 §37059; •Ibn Ḥibbān in *al-Saḥīḥ*, 15:354 §6917; •al-Qurashī in *al-Kharāj*, 80 §232.

١١/٢٢٤ . عَنْ إِبْرَاهِيمَ أَنَّ رَجُلًا مِنْ بَنِي بَكْرٍ بْنِ وَائِلٍ قَتَلَ رَجُلًا مِنْ أَهْلِ الْحِيرَةِ، فَكَتَبَ فِيهِ عُمَرُ بْنُ الْخَطَّابِ أَنَّ يَدْفَعَ إِلَى أَوْلِيَاءِ الْمَقْتُولِ، فَإِنْ شَاءُوا فَقْتُلُوا وَإِنْ شَاءُوا عَفُوا. فَدَفَعَ الرَّجُلُ إِلَى وَلِيِّ الْمَقْتُولِ إِلَى رَجُلٍ يَقَالُ لَهُ حُنَيْنٌ مِنْ أَهْلِ الْحِيرَةِ، فَقَتَلَهُ .

رَوَاهُ الشَّافِعِيُّ وَالْبَيْهَقِيُّ .

٢٢٤/١١. According to Ibrāhīm,

“A man from Banū Bakr b. Wā'il killed a man from the people of Hīra, and that ‘Umar b. al-Khaṭṭāb [the Caliph at the time] instructed for the man to be brought to the victim's family, and that if they wish they can kill him [in retribution] and if they wish they can pardon him. The man was then brought to the family of the victim and taken by a man from them named Hunayn from the people of Hīra, who then killed him.”

Reported by al-Shāfi‘ī and al-Bayhaqī.

١٢/٢٢٥ . عَنْ أَبِي الْجَنْوِبِ الْأَسْدِيِّ قَالَ: أَتَيَ عَلَيْهِ بْنُ أَبِي طَالِبٍ بْرَ جُلَيْلِ مِنَ الْمُسْلِمِينَ قَتَلَ رَجُلًا مِنْ أَهْلِ النَّذْمَةِ . قَالَ: فَقَامَتْ عَلَيْهِ الْبَيْسَةُ، فَأَمَرَ بِقَتْلِهِ . فَجَاءَ أَخُوهُ فَقَالَ: إِنِّي قَدْ عَفَوتُ عَنْهُ . قَالَ: فَلَعَلَّهُمْ هَذِهِ أُوْفُوكُمْ أَوْ فَرْعُوكُمْ! قَالَ: لَا، وَلَكِنَّ قَتْلَهُ لَا يَرْدُدُ عَلَيَّ أَخِي، وَعَوْضُونِي فَرَضَيْتُ . قَالَ: أَنْتَ أَعْلَمُ . مَنْ كَانَ لَهُ ذِمَّتُنَا فَدَمْهُ كَدَمِنَا وَدِيْتُهُ كَدِيْتَنَا .

رَوَاهُ الشَّافِعِيُّ وَأَبُو يُوسُفَ وَالْبَيْهَقِيُّ .

^{٢٢٤} Set forth by •al-Shāfi‘ī in *al-Umm*, 7:321; •al-Bayhaqī in *al-Sunan al-Kubrā*, 8:32 §15706; •al-Shaybānī in *al-Hujja*, 4:335; •al-Zayla‘ī in *Naṣb al-Rāya*, 4:337.

225/12. According to Abū al-Janūb al-Asadī ﷺ,

“A Muslim who had killed a non-Muslim under treaty was presented in the court of ‘Alī ﷺ. After the proof of his crime was furnished and found valid, ‘Alī ﷺ ordered him to be killed [in retribution for killing the non-Muslim]. The brother of the victim came to him [‘Alī] and said, ‘I have pardoned him.’ ‘Alī asked, ‘Did they [the heirs of the killer] scare you or threaten you in any way?’ The man replied, ‘No. Killing him will not bring my brother back. They offered blood money in return and I agreed to it.’ ‘Alī said, ‘You know best; whoever is under our guarantee of protection, then his blood is like our blood and the blood money due to him is like the blood money due to us.’”

Reported by al-Shāfi‘ī, Abū Yūsuf and al-Bayhaqī.

١٣. عَنْ جُبِيرِ بْنِ نُفَيْرٍ أَنَّ عُمَرَ بْنَ الْخَطَّابِ أَتَى بِهِمَالِ كَثِيرٍ، قَالَ أَبُو عُبَيْدٍ: أَحْسِبُ قَالَ: مِنَ الْجِزْرِيَةِ، فَقَالَ: إِنِّي لَا أَظُنُّكُمْ قَدْ أَهْلَكْتُمُ النَّاسَ. قَالُوا: لَا، وَاللَّهُ، مَا أَخَذْنَا إِلَّا عَفْوًا صَفَوْا. قَالَ: بِلَا سُوتٍ وَلَا نَوْطٍ؟ قَالُوا: نَعَمْ. قَالَ: أَحْمَدُ اللَّهَ الَّذِي لَمْ يَجْعَلْ ذَلِكَ عَلَى يَدِي وَلَا فِي سُلْطَانِي.

رَوَاهُ أَبُو عُبَيْدٍ.

226/13. According to Jubayr b. Nufayr ﷺ,

“A large amount of wealth was brought to ‘Umar b. al-Khaṭṭāb ﷺ, and Abū ‘Ubayd said, ‘I believe it was money collected from the tax levied on non-Muslim citizens.’ ‘Umar said, ‘For certain, I fear you have destroyed many people!’ They [the tax collectors] said, ‘No, by Allah! We have taken only the surplus to their needs with tenderness and ease.’ ‘Umar inquired, ‘Was it acquired without recourse to a whip

²²⁵ Set forth by •al-Shāfi‘ī in *al-Musnad*, 344; •Abū Yūsuf in *Kitāb al-Kharāj*, p.187; •al-Bayhaqī in *al-Sunan al-Kubrā*, 8:34 §15712; and cited by •al-‘Asqalānī in *al-Dirāya fī Takhrij Ahādīth al-Hidāya*, 2:263, and al-Zaylānī in *Naṣb al-Rāya*, 4:336.

²²⁶ Set forth by •Abū ‘Ubayd in *al-Amwāl*, 54 §114 and cited by Ibn Qudāma al-Maqdisī in *al-Mughnī*, 9, 290.

or coercion?' They replied, 'Yes.' He said, 'All praise is due to Allah, Who did not put that [oppression] on my hands or during my rule.'"'

Reported by Abū 'Ubayd.